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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY
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BENJAMIN B. WAGNER
United States Attorney
ROSS K. NAUGHTON
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSVALDO HERNANDEZ,
HECTOR GONZALEZ,
CHRISTOPHER MCCURIN,
NOE BAEZA-BRAVO, and
VIDAL GONZALEZ,

Defendants.

CASE NO. **2:16 - CR - 0067 JAM**

21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute Methamphetamine; 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute Heroin; 18 U.S.C. § 371 – Conspiracy to Deal Firearms without a License; 21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine (14 counts); 21 U.S.C. § 841(a)(1) – Distribution of Heroin; 21 U.S.C. § 841(a)(1) – Distribution of Cocaine; 18 U.S.C. § 922(a)(1)(A) – Dealing Firearms without a License (8 counts); 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Methamphetamine (2 counts); 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Heroin; 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Cocaine; 18 U.S.C. § 922(g)(1) – Felon in Possession of Firearm; 21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

INDICTMENT

COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute Methamphetamine]

The Grand Jury charges: T H A T

OSVALDO HERNANDEZ,
HECTOR GONZALEZ,
NOE BAEZA-BRAVO, AND
VIDAL GONZALEZ,

defendants herein, between in or about June of 2014, and continuing through in or about March of 2016,

1 in the County of Sacramento, State and Eastern District of California, and elsewhere, did knowingly and
2 intentionally conspire and agree with each other and with persons known and unknown to the Grand
3 Jury to distribute fifty grams or more of methamphetamine (actual), a Schedule II Controlled Substance,
4 in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

5 COUNT TWO: [21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute Heroin]

6 The Grand Jury further charges: T H A T

7 OSVALDO HERNANDEZ AND
8 HECTOR GONZALEZ,

9 defendants herein, between in or about September of 2015, and continuing through in or about March of
10 2016, in the County of Sacramento, State and Eastern District of California, and elsewhere, did
11 knowingly and intentionally conspire and agree with each other and with persons known and unknown
12 to the Grand Jury to distribute a mixture and substance containing a detectable amount of heroin, a
13 Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 846 and
14 841(a)(1).

15 COUNT THREE: [18 U.S.C. § 371 – Conspiracy to Deal Firearms without a License]

16 The Grand Jury further charges: T H A T

17 NOE BAEZA-BRAVO,
18 CHRISTOPHER McCURIN, and
19 HECTOR GONZALEZ,

20 defendants herein, between in or about April of 2015, and continuing through in or about October of
21 2015, in the County of Sacramento, State and Eastern District of California, and elsewhere, did conspire
22 with each other and with other persons known and unknown to the Grand Jury, to willfully engage in the
23 business of dealing in firearms without a license, in violation of Title 18, United States Code, Section
24 922(a)(1)(A).

25 In furtherance of the conspiracy, and to effect the objects of the conspiracy, the following overt
26 acts, among others, were committed in the State and Eastern District of California and elsewhere:

- 27 1) On or about April 20, 2015, in the County of Sacramento, defendants NOE BAEZA-
28 BRAVO and HECTOR GONZALEZ sold to an FBI cooperating source ("CS-1") an AK-

47-style rifle of unknown make, model, and caliber, bearing serial number A098115.

- 2) On or about October 13, 2015, defendant HECTOR GONZALEZ contacted defendant CHRISTOPHER McCURIN by text message, saying: "U have any of them big toys avl." CHRISTOPHER McCURIN responded: "How many," and added: "And there's on[e] drum I might keep it." HECTOR GONZALEZ responded: "2." CHRISTOPHER McCURIN then responded: "Is it for sure." A few minutes later, CHRISTOPHER McCURIN called HECTOR GONZALEZ, and they discussed firearm calibers and prices.

all in violation of Title 18, United States Code, Section 371.

COUNTS FOUR through SEVENTEEN: [21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine]

The Grand Jury further charges: T H A T
the defendants listed below, on or about the dates listed below, in the County of Sacramento, State and Eastern District of California, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance:

<u>Count</u>	<u>Date</u>	<u>Defendant(s)</u>
4	Jul. 3, 2014	VIDAL GONZALEZ
5	Jul. 29, 2014	VIDAL GONZALEZ
6	Aug. 20, 2014	VIDAL GONZALEZ
7	Oct. 8, 2014	VIDAL GONZALEZ and NOE BAEZA-BRAVO
8	Dec. 18, 2014	VIDAL GONZALEZ
9	Apr. 16, 2015	NOE BAEZA-BRAVO
10	May 12, 2015	NOE BAEZA-BRAVO and HECTOR GONZALEZ

11	May 28, 2015	HECTOR GONZALEZ
12	Jun. 3, 2015	HECTOR GONZALEZ
13	Jul. 17, 2015	HECTOR GONZALEZ
14	Aug. 12, 2015	HECTOR GONZALEZ
15	Sep. 2, 2015	HECTOR GONZALEZ
16	Sep. 18, 2015	HECTOR GONZALEZ
17	Feb. 3, 2016	OSVALDO HERNANDEZ

in violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHTEEN: [21 U.S.C. § 841(a)(1) – Distribution of Heroin]

The Grand Jury further charges: T H A T

OSVALDO HERNANDEZ and
HECTOR GONZALEZ,

defendants herein, on or about October 7, 2015, in the County of Sacramento, State and Eastern District of California, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT NINETEEN: [21 U.S.C. § 841(a)(1) – Distribution of Cocaine]

The Grand Jury further charges: T H A T

OSVALDO HERNANDEZ,

defendant herein, on or about December 22, 2015, in the County of Sacramento, State and Eastern District of California, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

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COUNTS TWENTY through TWENTY-SEVEN: [18 U.S.C. § 922(a)(1)(A) – Dealing Firearms without a License]

The Grand Jury further charges: T H A T

the defendants listed below, on or about the dates listed below, in the County of Sacramento, State and Eastern District of California, not having received a license to engage in the business of dealing in firearms, as required by Title 18, United States Code, Section 923, did willfully engage in the business of dealing in firearms, in that the following defendants sold to an FBI cooperating source the firearms described below:

<u>Count</u>	<u>Date</u>	<u>Defendant(s)</u>	<u>Firearm Description (Quantity)</u>	<u>Serial Number</u>
20	Jun. 13, 2014	VIDAL GONZALEZ	Bushmaster XM15-E2S AR-15-style 5.56 rifle (1) Colt Model M-4 AR-15- style 5.56 rifle (1)	ARG102790 LE277535
21	Aug. 20, 2014	VIDAL GONZALEZ and NOE BAEZA-BRAVO	M-4 style, .223-caliber assault rifle of unknown make (1)	unknown
22	Oct. 8, 2014	VIDAL GONZALEZ	Springfield Model M1A 7.62 rifle (1) Armalite Model AR-10A4 7.62 rifle (1)	279779 USA 553295
23	Apr. 20, 2015	NOE BAEZA-BRAVO and HECTOR GONZALEZ	AK-47-style rifle of unknown make, model, and caliber (1)	A098115
24	May 21, 2015	NOE BAEZA-BRAVO	unserialized AR-15-style .556 rifle of unknown make and model, with Truglo electronic optic (1)	n/a
25	Jun. 30, 2015	HECTOR GONZALEZ	AK-47-style 7.62 rifle of unknown make and model, with collapsible stock (1)	1967 BZ07975

26	Jul. 17, 2015	HECTOR GONZALEZ	AR-15-style .556 rifle of unknown make, model, and serial number (1)	unknown
27	Sep. 18, 2015	HECTOR GONZALEZ	AR-15-style .556 rifle of unknown make and model (1)	obliterated

all in violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNTS TWENTY-EIGHT and TWENTY-NINE: [21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Methamphetamine]

The Grand Jury further charges: T H A T

the defendants listed below, on or about the dates listed below, in the County of Sacramento, State and Eastern District of California, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance:

<u>Count</u>	<u>Date</u>	<u>Defendant(s)</u>
28	Mar. 16, 2016	OSVALDO HERNANDEZ
29	Mar. 16, 2016	HECTOR GONZALEZ

in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTY: [21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Heroin]

The Grand Jury further charges: T H A T

OSVALDO HERNANDEZ,

defendant herein, on or about March 16, 2016, in the County of Sacramento, State and Eastern District of California, did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTY-ONE: [21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Cocaine]

The Grand Jury further charges: T H A T

OSVALDO HERNANDEZ,

defendant herein, on or about March 16, 2016, in the County of Sacramento, State and Eastern District of California, did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTY-TWO: [18 U.S.C. § 922(g)(1) – Felon in Possession of Firearm]

The Grand Jury further charges: T H A T

CHRISTOPHER McCURIN,

defendant herein, on or about March 16, 2016, in the County of Sacramento, State and Eastern District of California, having been convicted of a crime punishable by a term of imprisonment exceeding one year, that is:

- 1) Carjacking, in violation of California Penal Code Section 215, on or about March 18, 1998, in Sacramento County, California; and
- 2) Possessing a Controlled Substance for Sale, in violation of California Health and Safety Code section 11378, on or about August 2, 2002, in Sacramento County, California;

did knowingly possess a firearm, specifically, a Glock 22 .40-caliber handgun with an obliterated serial number, in and affecting commerce, in that said firearm had previously been transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION: [21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) – Criminal Forfeiture]

1. Upon conviction of one or more of the offenses alleged in Counts One, Two, Four through Nineteen, and Twenty-Eight through Thirty-One of this Indictment, defendants OSVALDO HERNANDEZ, HECTOR GONZALEZ, NOE BAEZA-BRAVO, and VIDAL GONZALEZ shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a), the following property:

a. All right, title, and interest in any and all property involved in violations of Title 21, United States Code, Section 841(a)(1), or conspiracy to commit such offenses, for which defendants are convicted, and all property traceable to such property, including the following: all real or personal

1 property, which constitutes or is derived from proceeds obtained, directly or indirectly, as a result of
2 such offenses; and all property used, or intended to be used, in any manner or part to commit or to
3 facilitate the commission of the offenses.

4 b. A sum of money equal to the total amount of proceeds obtained as a result of the
5 offenses, or conspiracy to commit such offenses, for which defendants are convicted.

6 2. Upon conviction of the offenses alleged in Counts Three, Twenty through Twenty-
7 Seven, and Thirty-Two of this Indictment, defendants VIDAL GONZALEZ, NOE BAEZA-BRAVO,
8 HECTOR GONZALEZ, and CHRISTOPHER McCURIN shall forfeit to the United States pursuant to
9 Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any
10 firearms and ammunition involved in or used in the knowing or willful commission of the offenses.

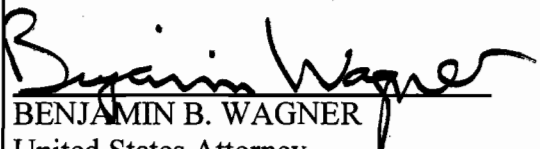
11 3. If any property subject to forfeiture, as a result of the offenses alleged in Counts One
12 through Thirty-Two of this Indictment, for which defendants are convicted:

- 13 a. cannot be located upon the exercise of due diligence;
14 b. has been transferred or sold to, or deposited with, a third party;
15 c. has been placed beyond the jurisdiction of the Court;
16 d. has been substantially diminished in value; or
17 e. has been commingled with other property which cannot be divided without
18 difficulty;

19 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28,
20 United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants, up to the
21 value of the property subject to forfeiture.

22
23 A TRUE BILL.

24
25 **/s/ Signature on file w/ALUSA**
26 **FOREPERSON**

27 
28 BENJAMIN B. WAGNER
United States Attorney

No. _____

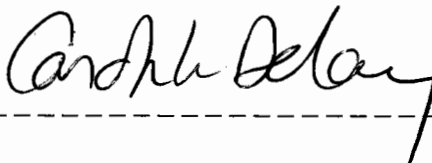
UNITED STATES DISTRICT COURT*Eastern District of California**Criminal Division***THE UNITED STATES OF AMERICA**

vs.

OSVALDO HERNANDEZ,
 HECTOR GONZALEZ,
 CHRISTOPHER MCCURIN,
 NOE BAEZA-BRAVO AND
 VIDAL GONZALEZ

NO PROCESS NECESSARY**INDICTMENT**

VIOLATION(S): 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute Methamphetamine;
 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute Heroin; 18 U.S.C. § 371 – Conspiracy to
 Deal Firearms without a License; 21 U.S.C. § 841(a)(1) – Distribution of
 Methamphetamine (14 Counts); 21 U.S.C. § 841(a)(1) – Distribution of Heroin;
 21 U.S.C. § 841(a)(1) – Distribution of Cocaine; 18 U.S.C. § 922(a)(1)(A) – Dealing Firearms
 Without a License (8 Counts); 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute
 Methamphetamine (2 Counts); 21 U.S.C. § 841(a)(1) – Possession with Intent to
 Distribute Heroin; 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Cocaine;
 18 U.S.C. § 922(g)(1) – Felon in Possession of Firearm;
 21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1)
 and 28 U.S.C. § 2461(c) – Criminal Forfeiture

*A true bill,***/s/ Signature on file w/AUSA***Foreman.*Filed in open court this 31 dayof MARCH, A.D. 20 16*Clerk.***NO PROCESS NECESSARY**

Carolyn K. Delaney
U.S. Magistrate Judge

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 4-17: **Osvaldo HERNANDEZ**
 Hector GONZALEZ
 Noe BAEZA-BRAVO
 Vidal GONZALEZ

VIOLATION: 21 U.S.C. §841(a)(1) – Distribution of Methamphetamine

PENALTIES: A maximum of up to 20 years in prison; or
 Fine of up to \$1,000,000; or both fine and imprisonment
 Supervised release of at least 3 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 18: **Osvaldo HERNANDEZ**
 Hector GONZALEZ

VIOLATION: 21 U.S.C. §841(a)(1) – Distribution of Heroin

PENALTIES: A maximum of up to 20 years in prison; or
 Fine of up to \$1,000,000; or both fine and imprisonment
 Supervised release of at least 3 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 19: **Osvaldo HERNANDEZ**

VIOLATION: 21 U.S.C. §841(a)(1) – Distribution of Cocaine

PENALTIES: A maximum of up to 20 years in prison; or
 Fine of up to \$1,000,000; or both fine and imprisonment
 Supervised release of at least 3 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 20-27: **Hector GONZALEZ**
 Noe BAEZA-BRAVO
 Vidal GONZALEZ

VIOLATION: 18 U.S.C. § 371 - Dealing Firearms without a License

PENALTIES: A maximum of up to 5 years in prison; or

Fine of up to \$250,000; or both fine and imprisonment
Supervised release of up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 28-29: **Oswaldo HERNANDEZ**
Hector GONZALEZ

VIOLATION: 21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute Methamphetamine (500 Grams or More of a Mixture and Substance Containing Methamphetamine)

PENALTIES:	Mandatory minimum of 10 years in prison and a maximum of up to life in prison; or Fine of up to \$10,000,000; or both fine and imprisonment Supervised release of at least 5 years up to life
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SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 30: **Osvaldo HERNANDEZ**

VIOLATION: 21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Heroin

PENALTIES:	A maximum of up to 20 years in prison; or Fine of up to \$1,000,000; or both fine and imprisonment Supervised release of at least 3 years up to life
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SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 31: **Osvaldo HERNANDEZ**

VIOLATION: 21 U.S.C. §841(a)(1) – Possession with Intent to Distribute Cocaine

PENALTIES: A maximum of up to 20 years in prison; or
Fine of up to \$1,000,000; or both fine and imprisonment
Supervised release of at least 3 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 32: Christopher McCURIN

VIOLATION: 18 U.S.C. § 922(g) - Felon in possession of firearm

PENALTIES: Not more than 120 months,
Not more than \$250,000 fine or both

A three-year term of Supervised Release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION: all Defendants

VIOLATION: 21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) -
Criminal Forfeiture

PENALTIES: As stated in the charging document